

JOURNAL OF THE SENATE [January 31, 1978]

STATE OF WISCONSIN  
**Senate Journal**  
**Eighty-Third Regular Session**

---

TUESDAY, January 31, 1978.

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president pro tempore of the senate.

The senate stood for the prayer which was offered by Reverend Kenneth L. Bergner, Associate Pastor, Christ Presbyterian Church, Madison.

The senate remained standing and Senator Swan led the senate in the pledge of allegiance to the flag of the United States of America.

The roll was called and the following senators answered to their names:

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Absent -- Senator Harnisch -- 1.

Absent with leave -- Senators Krueger and Radosevich -- 2.

---

LEAVE OF ABSENCE

By request of Senator Sensenbrenner, with unanimous consent, Senator Krueger was granted a leave of absence for the week's session.

By request of Senator Petri, with unanimous consent, he was granted a leave of absence at 12:30 P.M. for the balance of the day's session.

---

INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 61**

To amend sections 1, 17(1) and (2) and 18 of article IV of the constitution; and to create section 35 of article IV and section 3 of article XII of the constitution, relating to initiative-referendum for state and local law-making and for constitutional amendments, and providing a penalty(1st consideration).

By Senators Risser, Krueger, Frank, Murphy, Keppler, Goyke, Lasee, Parys, Braun and Lorge; cosponsored by Representatives Tuczynski, Clarenbach, Hasenhorl, Behnke, Ward, Klicka, and Roth, by request of Americans for Initiative-Referendum, Inc.

Read first time and referred to committee on Governmental and Veteran's Affairs.

---

BILLS INTRODUCED

Read first time and referred:

**Senate Bill 676**

Relating to registration of motor homes, mobile homes and certain trailers and semitrailers.

By Senators Van Sistine, Keppler, Goyke, Lorge, Harnisch, Cullen, Peloquin, Morrison, Theno, Sensenbrenner, Maurer, Offner, Chilsen, Bidwell, McKenna and McCallum; cosponsored by Representatives Vanderperren, Tesmer, Barry, Hasenhorl, Fischer, Kincaid and Swaboda.

To committee on Commerce.

**Senate Bill 677**

Relating to sales tax exemption for sales of household goods.

By Senator Sensenbrenner.

To Joint Survey Committee on Tax Exemptions.

**Senate Bill 678**

Relating to prohibiting waterfowl hazing and providing a penalty.

By Senators McCallum and Murphy; cosponsored by Representative McEssy.

To committee on Natural Resources and Tourism.

**Senate Bill 679**

Relating to an habitual traffic offenders law for certain convictions in the motor vehicle code, revocation of operator's licenses and providing a penalty.

By Senators Murphy, Sensenbrenner, McCallum, Petri and Parys.

To committee on Commerce.

**Senate Bill 680**

Relating to making scholarship assessments for licensed occupations voluntary and making an appropriation.

By Senators Berger and Offner; cosponsored by Representatives Rogers, Jackamonis, Norquist, Ausman, Bear, Czerwinski and Thompson.

To committee for Review of Administrative Rules.

**Senate Bill 681**

Relating to sales and use tax exemptions for the occasional sales of mobile homes exceeding 45 feet in length.

By Senator Harnisch; cosponsored by Representative Schneider, by request of Mr. Glenn Pascavis, Wisconsin Rapids.

Read first time and referred to Joint Survey Committee on Tax Exemptions.

---

COMMITTEE REPORTS

The committee on Agriculture, Aging and Labor reports and recommends:

**Senate Bill 289**

Relating to employment relations in higher education, granting rule-making authority and making appropriations.

Introduction of senate substitute amendment 1:

Ayes, 5 -- Senators Radosevich, Harnisch, Morrison, Van Sistine and McCallum;

Noes, 2 -- Senators Cullen and Chilsen.

Adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Radosevich, Harnisch, Morrison, Van Sistine and McCallum;

Noes, 2 -- Senators Cullen and Chilsen.

Passage as amended:

JOURNAL OF THE SENATE [January 31, 1978]

Ayes, 5 -- Senators Radosevich, Harnisch, Morrison, Van Sistine and McCallum;

Noes, 2 -- Senators Cullen and Chilsen.

**Senate Bill 335**

Relating to employment relations in higher education, granting rule-making authority and making appropriations.

Passage:

Ayes, 6 -- Senators Radosevich, Harnisch, Morrison, Van Sistine, Chilsen and McCallum;

Noes, 1 -- Senator Cullen.

**Senate Bill 363**

Relating to employment relations in higher education, granting rule-making authority, making appropriations and providing a penalty.

Passage:

Ayes, 6 -- Senators Radosevich, Harnisch, Morrison, Van Sistine, Chilsen and McCallum;

Noes, 1 -- Senator Cullen.

TIMOTHY F. CULLEN

Chairman

The committee on Education and Revenue reports and recommends:

**Assembly Bill 589**

Relating to miscellaneous changes in the laws relating to cooperative educational service agencies.

Concurrence:

Ayes, 5 -- Senators Goyke, Braun, Berger, Offner and Sensenbrenner;

Noes, 0 -- None.

GARY R. GOYKE

Chairman

The committee on Human Services reports and recommends:

**Senate Bill 122**

Relating to requiring an autopsy on victims of sudden infant death syndrome and providing information and counseling.

Introduction of senate amendment 1 to senate substitute amendment 2:

Ayes, 5 -- Senators Thompson, Offner, Braun, Van Sistine and Petri;

Noes, 0 -- None.

**JOURNAL OF THE SENATE [January 31, 1978]**

**Adoption of senate amendment 1 to senate substitute amendment 2:**

**Ayes, 5 -- Senators Thompson, Offner, Braun, Van Sistine and Petri;**

**Noes, 0 -- None.**

**Adoption of senate substitute amendment 2:**

**Ayes, 5 -- Senators Thompson, Offner, Braun, Van Sistine and Petri;**

**Noes, 0 -- None.**

**Passage of substitute amendment 2 recommended:**

**Ayes, 5 -- Senators Thompson, Offner, Braun, Van Sistine and Petri;**

**Noes, 0 -- None.**

**Assembly Bill 426**

**Relating to creating a council on hemophilia and related blood disorders, establishing a program of financial assistance for victims of hemophilia and other similar blood disorders, granting rule-making authority and making an appropriation.**

**Concurrence recommended:**

**Ayes, 4 -- Senators Thompson, Braun, Offner, and Van Sistine;**

**Noes, 1 -- Senator Petri.**

**CARL W. THOMPSON  
Chairman**

---

PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Board of Vocational, Technical, & Adult Education  
Madison, Wisconsin

January 26, 1978

Mr. Donald Schneider  
Senate Chief Clerk  
State Capitol  
Madison, Wisconsin

Dear Mr. Schneider:

Enclosed please find five copies of the Nicolet College and Technical Institute Plan. This was done in compliance with S.1634, Chapter 29, Laws of 1977.

Sincerely,  
EUGENE LEHRMANN  
State Director

State of Wisconsin  
Department of State

January 30, 1978.

To the Honorable, the Senate

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists who have cancelled their registration for the duration of the 1977-78 legislative session.

Yours very truly,  
DOUGLAS LAFOLLETTE  
Secretary of State

Dudzik, Jerome J., Milwaukee Police Association, as of January 1, 1978.

Coenen, Thomas H., Wisconsin Marketing Federation, Ltd., as of January 19, 1978.

NOTE: The following is an address change: William W. Russell of the Wisconsin Joint NRTA-AARP State Legislative Committee, Route 5, P.O. Box 564, Harlingen, Texas 78550.

JOURNAL OF THE SENATE [January 31, 1978]

**Senate Petition 142**

A petition by 564 Wisconsin teachers, parents, students and local government officials in support of Senate Bill 303, relating to the required number of school days for state aid purposes and permitting five days for inclement weather, parent teacher conferences and inservice teacher training.

By Senator Morrison.

Read and referred to committee on Education and Revenue.

**Senate Petition 143**

A petition by 674 residents of the 25th Senate District in support of Senate Bill 629, relating to registration of certain trailers and semitrailers.

By Senator Theno.

Read and referred to committee on Commerce.

**Senate Petition 144**

A petition by 99 residents of the State of Wisconsin in opposition to Senate Bill 554, relating to using dogs to hunt bear, requiring bear hunters to wear a back tag and providing a penalty.

By Senator Harnisch.

Read and referred to committee on Natural Resources.

---

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

January 17, 1978.

Mr. Donald Schneider  
Senate Chief Clerk  
State Capitol  
Madison, Wisconsin

Dear Mr. Schneider:

I respectfully request permission to address a joint session of the State Legislature on Tuesday, January 31, 1978, at 10:30 a.m., for the purpose of delivering a "State of the State" address.

Sincerely,  
MARTIN J. SCHREIBER  
Governor

**JOURNAL OF THE SENATE [January 31, 1978]**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**January 26, 1978.**

**Mr. Donald Schneider**

**Senate Chief Clerk**

**State Capitol**

**Madison, Wisconsin**

**Dear Mr. Schneider:**

I respectfully request permission to address a joint session of the State Legislature on Thursday, February 9, 1978, at 10:00 A.M., for the purpose of delivering a budget message.

**Sincerely,**

**MARTIN J. SCHREIBER**

**Governor**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**January 30, 1978.**

**To the Honorable, the Senate:**

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Steven Pavich, of Mason, as a member of the Natural Resources Board, to succeed Thomas Fox, resigned, to serve for the term ending May 1, 1979.

**Sincerely,**

**MARTIN J. SCHREIBER**

**Governor**

**Read and referred to committee on Natural Resources and Tourism.**



JOURNAL OF THE SENATE [January 31, 1978]

CALENDAR OF JANUARY 31, 1978

By request of Senator Bablitch, with unanimous consent, the appointments were taken up enmasse.

**DOWNING, GLORIA**, of Milwaukee, as a member of the Educational Communications Board, to succeed Doris Ullich, whose term has expired, to serve for the term ending May 1, 1981.

Read.

**ELLIOTT, JAMES N.**, of Milwaukee, as a member of the Vocational, Technical and Adult Education Board, to succeed John Zancanaro, to serve for the term ending May 1, 1979.

Read.

**KELLY, MARY E.**, of Milwaukee, as a member of the Educational Communications Board, to succeed herself, to serve for the term ending May 1, 1980.

Read.

**O'KEEFE, THOMAS**, of Hudson, as a member of the Conservation Works Projects Board, to serve for the term ending May 1, 1979.

Read.

**WOLF, DALE G.**, of Highbridge, as a member of the Educational Communications Board, to succeed George Reedy, resigned, to serve for the term ending May 1, 1980.

Read.

The question was: Shall the appointments be confirmed?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

Absent or not voting -- Senators Harnisch, Krueger and Radosevich -- 3.

So the appointments were confirmed.

---

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 86**

**Assembly Joint Resolution 89**

and

Adopted and asks concurrence in:

Motion Under Joint Rule 7:

A joint certificate of commendation by Representatives Otte and Potter; co-sponsored by Senator Keppler for OAKLEY O. FRANK on his retirement.

---

MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 86**

Relating to the life and public service of Robert H. Boyson.

By Representatives Goodrich and Shabaz.

Read.

Considered as privileged.

Concurred in by unanimous rising vote.

**Assembly Joint Resolution 89**

Relating to the life and public service of Frank E. Schaeffer, Jr.

By Representative Leopold and all Members of the Assembly.

Read.

Considered as privileged.

Concurred in by unanimous rising vote.

By request of Senator Bablitch, with unanimous consent, the Senate will abide by the letter from the Governor asking for a joint convention of the Legislature at 10:30 A.M.

The chair appointed Senators Bablitch and Sensenbrenner to escort the Governor to the Assembly Chambers.

JOURNAL OF THE SENATE [January 31, 1978]

By request of Senator Bablitch with unanimous consent, the senate recessed until 10 minutes following the Governor's "State of the State" message.

10:25 A.M.

IN ASSEMBLY CHAMBER  
IN JOINT CONVENTION

This is my first opportunity to report to you and to the citizens of Wisconsin on the state of our state.

I want to talk to you about the condition of our economy, which, by any measure is doing very well...

About a budget surplus with which our state is blessed and the way we should invest that money in Wisconsin's future...

About an aggressive record of legislative accomplishments and some suggestions I have to make that record even more distinguished...

About preserving our older homes and neighborhoods through an innovative housing conservation program...

About Wisconsin's absolute commitment to clean water, clean air, and unspoiled land for ourselves and children...

About an approach to government that is based on the strength of our people and their desire to be responsible for their own lives.

The state of the state is excellent. Today Wisconsin is stronger and more vibrant than at any time in memory.

Wisconsin is working.

In our cities and in our countrysides, in machine shops, in auto plants, in dairies, in breweries, in paper mills...the businesses and industries of Wisconsin are working.

On our farms and in the factories and in the shops, the people of Wisconsin are working.

Wisconsin farmers had one of their best years ever in 1977, with record yields in corn, oats, winter wheat and potatoes.

Although low prices cut into profits for grain farmers, dairy farmers did well in 1977, with milk receipts up about seven percent.

Employment in Wisconsin grew by seven percent in 1977, twice as fast as the nation as a whole.

Forty-nine thousand new manufacturing jobs have been created by Wisconsin businesses since 1971, while our neighboring states actually lost manufacturing jobs in that period.

Those new Wisconsin jobs mean stability and prosperity for the working men and women of our state. They mean hope and

## JOURNAL OF THE SENATE [January 31, 1978]

opportunity for the young people in Wisconsin to find worthwhile employment right here at home.

The remarkable vitality of our state's economy is responsible for the unprecedented size of the projected budget surplus.

We can all take credit for that surplus. Every business that produced goods or services in Wisconsin can take credit. Each community, each legislator, each chamber of commerce and labor organization can take credit. Every Wisconsin citizen who works and pays taxes can take credit.

This situation provides us with some unique opportunities to invest in the future. We must not squander them.

Wisconsin must take this opportunity to put money aside to help achieve a major reform of our tax system.

Wisconsin must take this opportunity to meet its pressing conservation needs. We have an opportunity this year to launch the Wisconsin Fund with a major clean water program that will provide sixty million dollars annually in new property tax relief for local governments.

Wisconsin must take this opportunity to create a budget stabilization fund to protect us from an increase in taxes next year.

And we must take this opportunity to provide some immediate tax relief to Wisconsin taxpayers, especially those middle income families who have not shared in other tax relief measures.

There are some who would like to throw away these opportunities.

They would ignore Wisconsin's needs: our needs for tax reform, our needs to provide adequate funding for education, transportation and all the other services Wisconsin provides.

They say: "let the future take care of itself."

Such a course would be irresponsible and shortsighted.

If any of the "spend it all now" schemes reach my desk, I fully intend to use all the tools available to me to assure that the fiscal course we take during the coming year considers the next generation rather than the next election.

You have worked hard in recent years to limit the tax burden of all of our citizens and to bring the cost of government under control.

In total taxes, Wisconsin has dropped from first to tenth in the nation.

In only eight states does state government employ a smaller percentage of the work force. In fact, the ratio of state employes to population in Wisconsin has fallen in this decade.

## JOURNAL OF THE SENATE [January 31, 1978]

Wisconsin's per capita government debt is thirty percent less than the national average, and our debt ranking has fallen to thirty-seventh among the states.

At the same time that government expenses have been held down, this Legislature has written an impressive record of achievement.

This Legislature, perhaps more than any of its predecessors, has been willing to look to the future and to enact laws which will make an important difference in the lives of our people.

You have adopted a budget which provides unprecedented property tax relief without increasing state tax rates.

You have passed the toughest drunken driving law in the nation.

You have enacted the strongest nursing home enforcement legislation in the country.

You have expanded services to Wisconsin's elderly citizens and you have cut their taxes.

You have reformed the Civil Service System at the state level and improved the Collective Bargaining System at the local level.

Because of your efforts, we now have a migrant labor law which fairly balances the needs of the farmer and the worker.

We have the most far-sighted system of mining taxation in the country.

And you have adopted long-awaited changes to help control the rising cost of health care.

I am proud to have worked with you on many of those achievements, and we can all look back with pride on what has been done.

But today the work begins anew. Wisconsin is working and we must keep it working.

Wisconsin is special. Our job is to protect our unique quality of life and to enhance it for the generations which will follow us.

We must preserve what we have—and we have a lot—while preparing to meet the challenges of the future.

### SOUND FISCAL MANAGEMENT AND ECONOMIC DEVELOPMENT

To keep Wisconsin working, we must preserve our record of sound management of the state's fiscal affairs.

In the Annual Review Budget, it is my goal to maintain the cautious and responsible spending policy you established last summer.

There is another important step we should take this year to signal our dedication to sound fiscal management.

I urge your favorable consideration of my proposal to create a permanent Joint Survey Committee to review state borrowing decisions. This will be a tangible sign to Wisconsin residents and the financial community that we intend to keep our fiscal house in order.

As the state government has shown its dedication to sound fiscal management, the business community has shown a restored confidence in Wisconsin. We must preserve that confidence if our state is to continue to prosper.

At the end of the last decade, Wisconsin citizens and businesses shouldered the heaviest tax burden in the nation. It was more than the state's economy could bear, and the result was a stagnant economy and an exodus of jobs.

This budget's surplus is evidence of a new strength in the state's business climate.

But it didn't happen by accident. Wisconsin has made judicious use of tax incentives to attract new business and keep the businesses we have.

The results have been dramatic. Last year fifty-six thousand people entered the Wisconsin labor market. But in the same period Wisconsin businesses created seventy thousand new jobs.

That has brought our unemployment rate down to less than five percent. The national administration hopes to achieve that goal in two or three years. Wisconsin is there now.

To guarantee our continued prosperity, we must build upon our past successes. Accordingly, the Annual Review Budget will include a series of economic development proposals.

### HOUSING CONSERVATION

As we act to protect our state's economic standing, we must move to preserve the communities and the older homes which are so much a part of our heritage. I am, therefore, proposing the creation of a housing conservation program for Wisconsin.

The cost of new housing has risen beyond the means of a large number of Wisconsin citizens.

In 1970, the average price of a new home in Wisconsin was about twenty-four thousand dollars. Eight years ago, forty-four percent of Wisconsin families could afford to purchase new homes.

But in 1976, the average price of a new home was more than forty-six thousand dollars and only 32 percent of Wisconsin residents could afford to buy one. The situation today is even worse.

At the same time, we are losing many affordable older houses because the owners cannot adequately maintain them. As they deteriorate, so do the older neighborhoods that make up the backbone of our communities.

## JOURNAL OF THE SENATE [January 31, 1978]

We must extend the useful life of existing homes to meet the pressing housing needs of moderate and low income families in Wisconsin.

Unfortunately, for many of the state's homeowners, private home repair and improvement loans are simply too expensive.

I believe that an imaginative state housing conservation program can address the need to rehabilitate homes in rural areas while protecting city neighborhoods from deterioration.

My proposal combines the bonding power of the Wisconsin Housing Finance Authority and general revenues to provide low-interest and deferred payment loans to homeowners to make the repairs needed to extend the life of their homes.

I will recommend that we include \$24 million of bonding and \$10 million from the general fund to finance the housing conservation program.

### RESOURCE CONSERVATION

The importance of protecting what we have, while looking to the future, is perhaps best understood in the area of resource conservation.

Wisconsin's commitment to a healthy economy has not come at the expense of the environment. Just as our business climate has improved in recent years, Wisconsin's air and water are cleaner now than they were only a few years ago. We have an enviable record. But we can improve on that record.

It is time to renew Wisconsin's commitment to clean land, clean air and clean water, for ourselves and for future generations.

Our first step must be to provide local property taxpayers with help in building much-needed sewage treatment plants and improving their sewer systems. Earlier this month, I outlined the most aggressive clean water program in Wisconsin's history—the Wisconsin Fund, to be established by the people of Wisconsin to preserve our natural resource heritage.

The Wisconsin Fund is not limited to sewage treatment improvements. I have included one million dollars in the Wisconsin Fund for aid to local governments faced with the difficult task of planning and developing new solid waste disposal sites.

I have also included one and a half million dollars to begin a major, long-term effort to combat pollution from urban and rural run-off and erosion.

I believe we must couple our clean-up efforts with a strong commitment to eliminate the causes of water pollution where they can be clearly identified.

We have long known the destructive effect that phosphates have on the ecological balance of our lakes. One of the most important steps we can take to help restore their health is to ban detergents that contain phosphates. A bill to do so is before the Assembly today. I urge you to pass it.

There are other important conservation initiatives before you.

Wisconsin is on the verge of becoming a major center for metallic mining. You already have passed the most progressive mining tax in the nation, but further steps must be taken to assure that mining does not cause environmental degradation or community disruption.

Legislators have worked with industry and local citizens to prepare legislation which will strengthen our mining reclamation law. That legislation has my strong support.

In addition to the aid to local governments which I have already outlined and which will be included in my budget review message, I urge you to act favorably on Assembly Bill 1024, which reforms our solid waste disposal licensing procedures and creates new provisions to deal with hazardous wastes.

### ENERGY CONSERVATION

Our ability to sustain economic growth and to achieve our social and environmental goals depends on forthright energy conservation action.

Wisconsin is now twenty percent more energy efficient than the national average. And despite a zero growth rate in energy consumption in recent years, we have been able to maintain our economic growth. In many respects, Wisconsin is now a model of what the National Energy Plan hopes to achieve by 1985.

To assure our continued progress, I will in the near future initiate a public discussion between government and private citizens, businesses and interests groups to develop a state energy policy.

The cornerstone of this policy should be the recognition that conservation is our cheapest "new" source of energy. Conservation does not threaten Wisconsin jobs, as some people fear. In fact, it encourages economic development here because it keeps money in the Wisconsin economy that would otherwise flow to other states or foreign nations.

Just a ten percent saving in natural gas and gasoline use would add at least fifty million dollars to Wisconsin's economy annually.

You will have an opportunity in the next two months to take other initiatives. AB 353 would reduce natural gas consumption by five percent by eliminating nonessential uses.



## JOURNAL OF THE SENATE [January 31, 1978]

AB 352 would require more efficient air conditioners and could save enough energy to supply a town of thirty-three thousand people. Both of those bills deserve your support.

I hope you will also give favorable consideration to AB 868, which would greatly decrease our consumption of water, especially hot water, through the use of volume control devices.

I also support legislation to require more complete disclosure to home buyers and utility customers of the information they need to save fuel.

These are important steps that add up to a commitment to energy conservation that will pay off for Wisconsin in the future.

While we have no oil or gas in Wisconsin, we do have natural resources that can help supply our energy needs as long as the sun shines.

Solar heating is expensive today. But increased demand is sure to bring the price within the reach of more of our citizens in the future.

I believe we can do something to stimulate that demand now. Therefore, I will support legislation that will, in combination with federal tax credits, provide a short-term incentive for people to install solar heating devices in their homes and businesses.

### CRIME AND CRIMINAL JUSTICE

Wisconsin's crime rate dropped in 1976 and 1977, due in part to the efforts of our citizens, law enforcement officials, prosecutors and judges.

But we still have a serious problem with our criminal justice system.

The most important thing we can do to see that all Wisconsin citizens are guaranteed fair and fast justice is to proceed quickly on court reform.

Wisconsin began the process of court reform last year with the creation of an Intermediate Court of Appeals. However, the second phase is still before us. We must complete the reform by creating from our county and circuit courts a single level of trial courts to assure that our judicial system remains responsive to the needs of the people.

Hand in hand with trial court reform must go reform of the juvenile justice system by enactment of a new children's code. If we can steer our youth from the path of crime early, perhaps we can avoid some of the problems we are now confronting in our courts and prisons.

Our children are our most precious resource. Yet when they get in trouble, our legal system too often shows them its cruelest face

and offers them a brand of justice we would consider unacceptable for adult offenders.

Our children's code suffers from vague definitions and a lack of uniform standards. It can offer guidelines to neither offenders nor juvenile authorities. We need a new children's code that will replace vagueness with precision, loose discretion with defined procedures and extreme sentencing options with a spectrum of judicial choices.

While we are guaranteeing children their rights in court as human beings, we must not forget their rights at home.

We should revise our child abuse statutes to take official notice that children are individuals and they have the right to protection against abuse.

We should extend that protection to the sexual exploitation of children through child pornography. We should prohibit the sale, advertisement, production or solicitation of child pornography.

Our law enforcement agencies also are responsible for responding to emergencies of all sorts.

The establishment by local governments of a simple, three-digit emergency telephone number—911—would go far to make government more responsive to those in need of immediate assistance. It is literally a life or death question in an emergency. I urge the Senate to follow the Assembly's example and approve this life-saving measure.

## GOOD GOVERNMENT

Wisconsin has a national reputation as a state that is not only progressive in matters of public policy, but as a state which sets a high ethical standard for the conduct of its public business. That reputation must be preserved and enhanced. Our people expect it. They deserve no less.

For several legislative sessions, well thought-out proposals to improve our lobbying and ethics laws have failed to pass both Houses of the Legislature. It is time they were enacted into law.

Good government means more than tough ethics and lobbying laws. It means innovation as well. I believe we can use a dose of innovation in dealing with utility rate increases. I strongly support legislation establishing a Citizens Utility Board—a unique, member-funded consumer action group which will speak for the public in proceedings before the Public Service Commission.

There is another innovative step we can take which will improve the relationship between state and local governments. We can establish a Wisconsin Council on Intergovernmental Relations as a means of assuring a continuing and constructive dialogue between state and local governments in Wisconsin.

## STRONG FAMILIES

Strong communities are made of strong, well, whole families. Support for families bears dividends for all of us. But we need to create a more effective partnership between the family and the government to deal with the problems and pressures of modern life.

Strong families come principally from the support, aid and commitment of each individual family member.

But for families in trouble, government must be willing to help...in particular, we must be willing to help children.

Government's current emphasis is on programs which react to crises rather than prevent them. As a result, no one is responsible for assuring that intervention occurs early enough or that there is continuity in the services provided to alleviate problems.

By coordinating programs and policies which directly affect the family and children, we can ensure that families can sustain themselves, retain their integrity, provide healthy environments for children, and strengthen society as a whole.

## RESPONSIVENESS AND RESPONSIBILITY

But for all our talk about government and programs, we must remember that our people are not necessarily looking for more rules and more laws.

Since I took office last July, I've held open office hours in all parts of the state to talk and listen to people...people in city and county governments... people in the business community, on the farm, in the professions and crafts...laborers... and just plain people. I have spent most of my time listening.

It's apparent to me that people want a government willing to hear what they have to say. They want a government they can relate to in person. Because they have strong opinions...they have concerns, not only for themselves, but for their families, their neighbors, their communities...their state.

There is a feeling among the people that they want more responsibility for their lives, not less.

They are concerned that government's attempts to do something for everyone will rob them of their self-reliance. There is strength in the people of Wisconsin. They want a chance to prove their strength.

There is a danger that by trying to do too much for people, we will end up doing too much to people.

We must help the weak, the poor, the unfortunate. But in doing so, we must not seek to have government take on the entire burden. We must help people to help themselves.

JOURNAL OF THE SENATE [January 31, 1978]

Government works best when it provides the tools to let people better their own lives and the lives of their neighbors.

We in Wisconsin have a government that is progressive and compassionate. We do not seek a stronger government, but a better government and a stronger people.

Those of us in state government forget too easily that the things that really matter to people are the things they do themselves.

Good health, for instance, is something that government cannot provide, no matter how much money it spends.

We should begin thinking and talking about health issues in a new way. We should add the term "wellness" to our public vocabulary. The wellness approach emphasizes the need to convince people who are not yet sick there are real things they can do for themselves to reduce the chance they will get sick.

Our health care system is now designed to treat problems after they occur. It calls for the use of more money and more experts to deal with every problem.

The wellness approach emphasizes individual responsibility instead of money and experts.

Someone who has given up smoking knows that he or she has done something worthwhile by personal strength alone. And I know from personal experience how hard that decision can be. It cannot be done by government rules and regulations. A person must want to remain well.

Someone who has taken up jogging to keep fit has not done so by government mandate, but out of concern for his or her own "wellness." And in the process, everyone benefits. We benefit because the strength and discipline required to make those decisions are the same qualities needed to keep the families and communities of Wisconsin strong.

Public awareness of "wellness" cannot reduce the cost of treating a lung cancer patient, but it can reduce the number of people who need such treatment.

We could double the amount of money we now spend on treating illness—or we could cut it in half—without much effect on the health of the great majority of people. But we can make a great deal of difference in the health and lives of people if government and individuals begin to pay more attention to the positive things we can do for ourselves.

In the long run, it will not only be less costly, but it will give people the conviction that they are responsible for their own lives.

The lack of individual responsibility is the real culprit in the crisis of health care. I suspect it is the culprit in other aspects of our lives as well.

JOURNAL OF THE SENATE [January 31, 1978]

I believe Wisconsin is working because the state government has not tried to answer every demand. I believe Wisconsin works best when we provide the tools that individuals and businesses need to solve their own problems.

We should let the people of Wisconsin know that we have faith in their abilities and their strengths. We should keep that in mind during this legislative session.

It is our strong people that have made Wisconsin such an extraordinary, vital state. We must preserve what we have and make it better.

We can do that by investing our budget surplus in Wisconsin's future...by reforming our tax system...by creating the Wisconsin Fund to preserve our natural resource heritage...by moving to save our older homes and neighborhoods...by conserving energy...by managing our state's finances carefully...by making all of our decisions with compassion and common sense.

We have worked well together in the past. There is much to be done now if we are to maintain our state's momentum. With your continued help and the guidance of an understanding providence, we can keep Wisconsin working.

11:25 A.M.

The senate reconvened.

CALENDAR OF JANUARY 31

**Senate Bill 6**

Relating to free admission to state parks and forests for residents 65 years of age or older.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 6** was referred to the joint committee on Finance.

**Senate Bill 99**

Relating to changing the corporate income and franchise tax rates.

Read a second time.

Senate amendment 1 to **Senate Bill 99** offered by Senator Sensenbrenner.

Senator Offner moved rejection.

Senator Dorman asked unanimous consent that **Senate Bill 99** be referred to the joint committee on Finance.

JOURNAL OF THE SENATE [January 31, 1978]

Senator Petri objected.

Senator Dorman moved that **Senate Bill 99** be referred to the joint committee on Finance.

So the motion prevailed.

**Senate Bill 127**

Relating to authorizing school districts to determine and vary the length of a school day.

Read a second time.

Senate amendment 1 to senate substitute amendment 2 offered by Senator Morrison.

Senate amendment 1 to senate amendment 1 to senate substitute amendment 2 offered by Senators Morrison and Berger.

By request of Senator Dorman, with unanimous consent, **Senate Bill 127** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 127** was withdrawn from the joint committee on Finance and considered for action at this time.

By request of Senator Berger, with unanimous consent, senate substitute amendment 1 was placed on the table.

The question was: Adoption of senate amendment 1 to senate amendment 1 to senate substitute amendment 2?

Adopted.

The question was: Adoption of senate amendment 1 to senate substitute amendment 2?

Adopted.

The question was: Adoption of senate substitute amendment 2?

Adopted.

Ordered to a third reading.

By request of Senator Kleczka, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 127**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison,

JOURNAL OF THE SENATE [January 31, 1978]

Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- Senator Krueger -- 1.

So the bill passed.

**Senate Bill 256**

Relating to creating a definition for "mass transit" and "mass transit facility".

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 256**

Read a third time and passed.

**Senate Bill 262**

Relating to the scheduling of school bond referenda in 1st class cities.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 262**

Read a third time and passed.

**Senate Bill 320**

Relating to creating a wetlands protection board, establishing a wetlands protection program, granting rule-making authority, making an appropriation and providing a penalty.

Read a second time.

Senator Dorman asked unanimous consent that the bill be referred to the joint committee on Finance.

Senator Harnisch objected.

Senator Harnisch asked unanimous consent that **Assembly Bill 796** be removed from the calendar of Thursday, February 2, 1978 and be referred to the committee on Natural Resources and Tourism.

Senator Bablitch objected.

---

LEAVE OF ABSENCE

By request of Senator McKenna, with unanimous consent, he was granted a leave of absence until 2:00 P.M.

Senator Harnisch removed his objection to referring **Senate Bill 320** to the joint committee on Finance, and the bill was so referred.

Senator Harnisch asked unanimous consent that **Assembly Bill 796** be removed from the calendar of Thursday, February 2, 1978 and referred to the committee on Natural Resources and Tourism.

Senator Murphy objected.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 4:00 P.M.

12:01 P.M.

---

RECESS

4:00 P.M.

The senate reconvened.

QUORUM CALL

Senator Bablitch called the attention of the chair to the possible lack of a quorum.

The roll was called and the following senators answered to their names:

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Risser, Sensenbrenner, Theno, Thompson and Van Sistine -- 28.

Absent -- Senators Cullen and Swan -- 2.

Absent with leave -- Senators Krueger, Petri and Radosevich -- 3.

**Senate Bill 355**

Relating to indigent persons' right to counsel in paternity actions.  
Read a second time.

The question was: Adoption of senate substitute amendment 1?



JOURNAL OF THE SENATE [January 31, 1978]

Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 355**

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 6; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Risser, Swan, Theno, Thompson and Van Sistine -- 24.

Noes -- Senators Chilsen, Kleczka, Lasee, Lorge, McCallum and Sensenbrenner -- 6.

Absent or not voting -- Senators Krueger, Petri and Radosevich -- 3.

So the bill passed.

**Senate Bill 358**

Relating to various changes in tax incremental financing.

Read a second time.

Senate amendment 1 offered by Senator Goyke.

The question was: Adoption of senate amendment 1?

By request of Senator Cullen, with unanimous consent, he was recorded with the majority on the last roll call.

Senate amendment 1 adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 358**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison,

JOURNAL OF THE SENATE [January 31, 1978]

Murphy, Offner, Parys, Peloquin, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

Absent or not voting -- Senators Krueger, Petri and Radosevich -- 3.

So the bill passed.

**Senate Bill 402**

Relating to exempting air taxi operators from state assessment and levy of property taxes under chapter 76 of the statutes.

Read a second time.

By request of Senator Goyke, with unanimous consent, **Senate Bill 402** was referred to the Joint Survey Committee on Tax Exemptions.

**Senate Bill 524**

Relating to the state's share of airport costs involving building projects or building improvement projects.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Bill 524** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 524** was withdrawn from joint committee on Finance and considered for action at this time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 524**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

JOURNAL OF THE SENATE [January 31, 1978]

Absent or not voting -- Senators Krueger, Petri and Radosevich --  
3.

So the bill passed

**Senate Bill 554**

Relating to using dogs to hunt bear, requiring bear hunters to wear a back tag and providing a penalty.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 554** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 554** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

The question was: Adoption of senate amendment 1?  
Adopted.

The question was: Adoption of senate amendment 2?  
Adopted.

Senate amendment 3 offered by Senator Kleczka.

The question was: Adoption of senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 15; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Flynn, Kleczka, Lorge, McCallum, Morrison, Parys, Risser, Sensenbrenner, Theno and Thompson -- 15.

Noes -- Senators Chilsen, Cullen, Dorman, Frank, Goyke, Harnisch, Keppler, Lasee, McKenna, Maurer, Murphy, Offner, Peloquin, Swan and Van Sistine -- 15.

Absent or not voting -- Senators Krueger, Petri and Radosevich --  
3.

So the amendment was not adopted.

Senate amendment 4 offered by Senator Theno.

Senator Petri asked unanimous consent that he be recorded as voting "aye" on the question of adoption of senate amendment 3.

Senator Sensenbrenner objected.

JOURNAL OF THE SENATE [January 31, 1978]

Senator Murphy raised the point of order that senate amendment 4 was not germane.

The chair took the point of order under advisement.

**Senate Bill 583**

Relating to retail liquor licenses for restaurants of historical significance.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 583**

Read a third time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 583** was referred to joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 583** was withdrawn from the joint committee on Finance and considered for action at this time.

The question was: Shall the bill be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 8; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Chilsen, Dorman, Flynn, Frank, Keppler, Kleczka, Lasee, Lorge, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Sensenbrenner, Swan, Theno and Thompson -- 22.

Noes -- Senators Braun, Cullen, Goyke, Harnisch, McCallum, Offner, Risser and Van Sistine -- 8.

Absent or not voting -- Senators Krueger, McKenna and Radosevich -- 3.

So the bill was ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 583**

Read a third time and passed.

**Senate Bill 597**

An act to appropriate \$1,618.60 from the general fund for payment of a claim made by Janice K. Wexler against the state.

Read a second time.

The question was: Indefinite postponement?

Indefinitely postponed.

**Senate Bill 600**

An act to appropriate \$34,266.92 from the general fund for payment of a claim made by National Liberty Corporation against the state.

Read a second time.

Ordered to a third reading.

## JOURNAL OF THE SENATE [January 31, 1978]

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

### **Senate Bill 600**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

Absent or not voting -- Senators Krueger and Radosevich -- 2.

So the bill passed.

### **Senate Bill 601**

An act to appropriate \$4,600 from the transportation fund for payment of a claim made by Gerovac Wrecking Company, Inc. against the state.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

### **Senate Bill 601**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 1; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- Senator Chilsen -- 1.

Absent or not voting -- Senators Krueger and Radosevich -- 2.

So the bill passed

### **Assembly Bill 187**

Relating to rules of the road for bicycles.

Read a second time.

Senate amendment 1 offered by Senator Sensenbrenner.

The question was: Adoption of senate amendment 1?

JOURNAL OF THE SENATE [January 31, 1978]

Adopted.

Senate amendment 2 offered by Senator Sensenbrenner.

The question was: Adoption of senate amendment 2?

Adopted.

Senate amendment 3 offered by Senator Sensenbrenner.

The question was: Adoption of senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 22; absent or not voting, 2; as follows:

Ayes -- Senators Berger, Bidwell, Keppler, Kleczka, Murphy, Parys, Sensenbrenner, Theno and Thompson -- 9.

Noes -- Senators Adelman, Bablitch, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Offner, Peloquin, Petri, Risser, Swan and Van Sistine -- 22.

Absent or not voting -- Senators Krueger and Radosevich -- 2.

The amendment was not adopted

Senate amendment 4 offered by Senator Sensenbrenner.

The question was: Adoption of senate amendment 4?

By request of Senator Kleczka, with unanimous consent, he asked to be recorded voting aye on the last roll call.

Senate amendment 4 was not adopted.

Senator Braun moved reconsideration of the vote by which senate amendment 1 to **Assembly Bill 187** passed.

The motion did not prevail.

Senate amendment 5 to **Assembly Bill 187** offered by Senator Flynn.

Senator Murphy moved rejection.

By request of Senator Flynn, with unanimous consent, senate amendment 5 was withdrawn and the record was expunged.

Ordered to a third reading.

By request of Senator Kleczka, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 187**

Read a third time and concurred in as amended.

**Assembly Bill 266**

Relating to cash register receipts and providing a penalty.

Read a second time.

Ordered to a third reading.

By request of Senator Kleczka, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 266**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 15; noes, 14; absent or not voting, 4; as follows:

**Ayes** -- Senators Berger, Bidwell, Chilsen, Dorman, Flynn, Frank, Keppler, Kleczka, Lorge, Maurer, Parys, Peloquin, Risser, Swan and Theno -- 15.

**Noes** -- Senators Adelman, Braun, Goyke, Harnisch, Lasee, McCallum, McKenna, Morrison, Murphy, Offner, Petri, Sensenbrenner, Thompson and Van Sistine -- 14.

**Absent or not voting** -- Senators Bablitch, Cullen, Krueger and Radosevich -- 4.

So the bill passed.

Senator Chilsen moved reconsideration of the vote by which **Assembly Bill 266** passed

The vote was reconsidered.

The question was: Concurrence?

Concurrence refused.

**Assembly Bill 348**

Relating to occupational drivers' licenses.

Read a second time.

Senator Murphy asked unanimous consent that **Assembly Bill 348** be laid on the table.

**Assembly Bill 544**

Relating to transfer of registration plates for automobiles and certain motor trucks.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 544.**

Read a third time.

JOURNAL OF THE SENATE [January 31, 1978]

The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno and Van Sistine -- 29.

Noes -- Senator Thompson -- 1.

Absent or not voting -- Senators Cullen, Krueger and Radosevich -- 3.

So the bill was concurred in.

**Assembly Bill 599**

Relating to county bicycle registration.

Read a second time.

Senator Murphy moved non-concurrence of **Assembly Bill 599**.

Senator Sensenbrenner asked unanimous consent that **Assembly Bill 599** be returned to the committee on Commerce.

Senator Chilsen objected.

By request of Senator Sensenbrenner, with unanimous consent, **Assembly Bill 599** was returned to the committee on Commerce.

**Assembly Bill 691**

Relating to measurement of loss for property insurance.

Read a second time.

Senate substitute amendment 1 offered by Senators Flynn and Sensenbrenner.

The question was: Adoption of senate substitute amendment 1?

Senator Kleczka moved rejection.

The question was: Rejection of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 10; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Braun, Dorman, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Morrison, Offner, Peloquin, Risser, Swan, Theno, Thompson and Van Sistine -- 21.

Noes -- Senators Berger, Chilsen, Cullen, Flynn, Frank, Maurer, Murphy, Parys, Petri and Sensenbrenner -- 10.

Absent or not voting -- Senators Krueger and Radosevich -- 2.



JOURNAL OF THE SENATE [January 31, 1978]

So the amendment was rejected.

Senate amendment 1 offered by Senators Sensenbrenner and Kleczka.

The question was: Adoption of senate amendment 1?  
Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 691**

Read a third time and concurred in as amended.

**Assembly Bill 740**

Relating to strobe lights on school busses and granting rule-making authority.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 740**

Read a third time and concurred in.

**Assembly Bill 814**

Relating to restrictions on volume discounts to retailers from wholesalers of malt beverages and liquors and providing a penalty.

Read a second time.

Senate amendment 1 offered by Senators Berger and Parys.

The question was: Adoption of senate amendment 1?

Senator Murphy raised the point of order that the amendment was not germane.

The chair took the point of order under advisement.

**Assembly Bill 878**

Relating to the sale of liquefied petroleum gas in vapor form.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 878**

Read a third time

Concurrence refused.

**Senate Bill 554**

Relating to using dogs to hunt bear, requiring bear hunters to wear a back tag and providing a penalty.

---

**RULING OF THE CHAIR**

Earlier today Senator Murphy raised the point of order that senate amendment 4 to senate Bill 554 was not germane. The chair took the point of order under advisement.

Senate Bill 554 relates to "using dogs to hunt bear, requiring bear hunters to wear a back tag and providing a penalty." The bill would, among other things, allow licensed bear hunters to hunt bear with a dog (or dogs), but only after obtaining a permit from the Department of Natural Resources. Only one permit may be issued per hunter which covers the use of no more than 6 dogs, as the bill was originally drafted. However no hunter or group of hunters may use more than 6 dogs while hunting bear.

Senate amendment 4, introduced by Senator Theno, seeks to entirely prohibit hunters from using dogs to hunt bear.

In this case the chair went to Mason's Manual, Section 402, paragraphs 3 and 6, which the chair believes has some application in this instance.

Paragraph 3 says: "To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of the motion or measure and still be germane to the subject."

Paragraph 6 says: "No independent new question can be introduced under cover of an amendment. But an amendment may be in conflict with the spirit of the original motion, and still be germane and, therefore, in order.

Senate amendment 4 does not relate to a different subject since it deals with dogs and bear hunting, as does the bill. Whether senate amendment 4 is intended to accomplish a different purpose or would require a title essentially different is questionable.

The question of germaneness has been described by past chairs as "at best a judgement call" ('73, 224). In this case it is the judgement of the chair that senate amendment 4 is germane.

**FRED A. RISSER**

President Pro Tempore

The question was: Adoption of senate amendment 4 to **Senate Bill 554**?

Senator Kleczka asked unanimous consent that the vote by which senate amendment 3 to **Senate Bill 554** failed be reconsidered.

JOURNAL OF THE SENATE [January 31, 1978]

Senator Murphy objected.

Senator Kleczka moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4 to **Senate Bill 554**?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 18; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Chilsen, Frank, Harnisch, Keppler, Kleczka, Lasee, McKenna, Murphy, Offner, Peloquin, Thompson and Van Sistine -- 13.

Noes -- Senators Bablitch, Berger, Bidwell, Braun, Cullen, Dorman, Flynn, Goyke, Lorge, McCallum, Maurer, Morrison, Parys, Petri, Risser, Sensenbrenner, Swan and Theno -- 18.

Absent or not voting -- Senators Krueger and Radosevich -- 2.

The senate failed to reject senate amendment 4 to **Senate Bill 554**.

The question was: Adoption of senate amendment 4 to **Senate Bill 554**?

Adopted.

Senator Harnisch asked unanimous consent that **Senate Bill 554** be returned to the committee on Natural Resources and Tourism.

Senator Theno objected.

Senator Harnisch moved that **Senate Bill 554** be returned to the committee on Natural Resources.

The motion did not prevail.

Ordered to a third reading.

Senator Bablitch asked unanimous consent that the bill be considered for final action at this time.

Senator Murphy objected.

Senator Bablitch moved that the rules be suspended and the bill be considered for final action at this time.

The ayes and noes were required and the vote was: ayes, 25; noes, 6; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Kleczka, Lorge, McCallum, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno and Thompson -- 25.

Noes -- Senators Chilsen, Harnisch, Keppler, Lasee, Murphy and Van Sistine -- 6.

JOURNAL OF THE SENATE [January 31, 1978]

Absent or not voting -- Senators Krueger and Radosevich -- 2.

More than two-thirds having voted in the affirmative the bill was ordered to a third reading.

**Senate Bill 554**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Kleczka, Lorge, Morrison, Offner, Parys, Risser, Sensenbrenner and Theno -- 14.

Noes -- Senators Adelman, Bidwell, Chilsen, Frank, Goyke, Harnisch, Keppler, Lasee, McCallum, McKenna, Maurer, Murphy, Peloquin, Petri, Swan, Thompson and Van Sistine -- 17.

Absent or not voting -- Senators Krueger and Radosevich -- 2.

So the bill failed to pass.

Senator Swan moved reconsideration of the vote by which **Senate Bill 554** failed to pass.

The ayes and noes were required and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Braun, Cullen, Dorman, Flynn, Kleczka, Lasee, Lorge, McCallum, Maurer, Morrison, Offner, Parys, Risser, Sensenbrenner, Theno and Thompson -- 19.

Noes -- Senators Adelman, Chilsen, Frank, Goyke, Harnisch, Keppler, McKenna, Murphy, Peloquin, Petri, Swan and Van Sistine -- 12.

Absent or not voting -- Senators Krueger and Radosevich -- 2.

So the motion prevailed.

The question was: Passage of **Senate Bill 554**?

The ayes and noes were required and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Dorman, Flynn, Goyke, Kleczka, Lorge, Maurer, Morrison, Offner, Parys, Risser, Sensenbrenner, Theno and Thompson -- 19.

## JOURNAL OF THE SENATE [January 31, 1978]

Noes -- Senators Chilsen, Frank, Harnisch, Keppler, Lasee, McCallum, McKenna, Murphy, Peloquin, Petri, Swan and Van Sistine -- 12.

Absent or not voting -- Senators Krueger and Radosevich -- 2.

So the bill passed.

Senator Cullen moved reconsideration of the vote by which **Assembly Bill 878** failed to be concurred in.

By request of Senator Cullen, with unanimous consent, the motion to reconsider the bill was laid on the table.

By request of Senator Parys, with unanimous consent, the Senate returned to the eighth order of business.

By request of Senator Parys, with unanimous consent, **Senate Bill 606** was withdrawn from the committee on Commerce and referred to joint committee on Finance.

By request of Senator Parys, with unanimous consent, **Senate Bill 629** was withdrawn from the committee on Commerce and referred to joint committee on Finance.

By request of Senator Bablitch, with unanimous consent, all actions were ordered immediately messaged.

By request of Senator Bablitch, with unanimous consent, the Senate returned to the second order of business.

---

### INTRODUCTION OF RESOLUTIONS

#### **Senate Joint Resolution 62**

Relating to the life and public service of Hubert Horatio Humphrey.

By the Entire Membership of the Senate.

Read

Considered as privileged and taken up.

Adopted by unanimous rising vote.

Ordered immediately messaged.

---

### AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 622** by Senator Kleczka.

JOURNAL OF THE SENATE [January 31, 1978]

Senate substitute amendment 1 to **Senate Bill 253** by Senator Bablitch.

Senate substitute amendment 2 to **Senate Bill 527** by Senator Braun.

Senate substitute amendment 1 to **Assembly Bill 300** by Senator Swan.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday February 2.

7:00 P.M.

---

CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 104**

Deposited in the Office of the Secretary of State on Wednesday, January 25, 1978 after passage by both houses, notwithstanding the objections of the Governor, and has been assigned Chapter No. 197.